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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,970	06/19/2000	Guillaume Sebire	297-009466-US(PAR)	3794

7590 03/30/2005

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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/595,970	SEBIRE ET AL.	
	Examiner	Art Unit	
	Lawrence B Williams	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruhn (US Patent 6,256,487 B1).

(1) With regard to claim 1, Bruhn discloses in Fig(s) 3a-b, a method for conveying information over a wireless interface in the form of a digitally encoded message, comprising the steps of providing a set of bits as a first piece of information to be transmitted (col. 6, lines 46-50), applying a certain baseband signal processing method to process the bits to be transmitted, providing a second piece of information to be transmitted (col. 7, lines 9-21) and selecting the baseband signal processing method from a set of allowed baseband signal processing methods in accordance with the provided second piece of information (col. 6, lines 6-41).

(2) With regard to claim 2, Bruhn also discloses in Fig.3 (a), a transmitting device for transmitting information over a wireless interface in the form of a digitally encoded message, comprising: means (48) for providing a set of bits as a first piece of information to be transmitted means for applying a certain baseband signal processing method to process the bits to be transmitted, means (50) for providing a second piece of information to be transmitted and means (78) for selecting the baseband signal processing method from a set of allowed baseband signal processing methods in accordance with the provided second piece of information.

(3) With regard to claim 3, Bruhn also discloses in Fig. 4, a receiving device for receiving information over a wireless interface in the form of a digitally encoded message, comprising: means (107) for receiving a set of bits as the representative of a first piece of received information, means for applying a certain baseband signal processing method (306-309) to process the set of bits, means (107) for selecting the baseband signal processing method from a set of allowed baseband signal processing methods so that applying it produces a first piece of received information which satisfies a certain criterion of acceptance and means (109) for providing a second piece of received information in the form of the identified baseband signal processing method (claims 1, 23).

(4) With regard to claim 4, claim 4 inherits the limitations of previous claims 1-3.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Western discloses in US 2004/0062269 A1 Method For Determining Mobile Station

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Coding Scheme Adaptation Capacity.

b.) Paneth et al. discloses in US Patent 6,014,374 Subscriber RF Telephone System For Providing Multiple Speech and/or Data Signals Simultaneously Over Either A Single or A Plurality of RF Channels.

c.) Olofsson et al. discloses in US Patent 6,167,031 Method For Selecting A Combination of Modulation and Channel-Coding Schemes In A Digital Communication System.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

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lbw

March 16, 2005

A handwritten signature in black ink, appearing to read "Amanda T. Le". The signature is fluid and cursive, with a long horizontal stroke at the end.

AMANDA T. LE
PRIMARY EXAMINER